

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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**THIRTY-EIGHTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 15, 2012**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Werk, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Brian Kreis, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 14, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### PETITION TO WAIVE JOINT RULE 20

We, the majority leadership of the Senate, petition that the President waive the provisions of Joint Rule 20 pertaining to the limitation on introduction of proposed constitutional amendments, which would permit the introduction and consideration of **SJR 105** to amend the Constitution of the State of Idaho by preserving for the people of Idaho the rights to hunt, fish and trap.

Signed:

/s/ Brent Hill, President Pro Tempore  
/s/ Bart M. Davis, Majority Leader  
/s/ Chuck Winder, Assistant Majority Leader  
/s/ John McGee, Majority Caucus Chair

Upon presentation of the petition, the President Pro Tempore waived the provisions of Joint Rule 20 for the introduction of SJR 105. The correspondence was ordered filed in the office of the Secretary of the Senate.

### **SJR 105** **BY STATE AFFAIRS COMMITTEE**

#### A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 23, ARTICLE I, TO PROVIDE THAT THE RIGHTS TO HUNT, FISH AND TRAP ARE A VALUED PART OF THE HERITAGE OF THE STATE OF IDAHO AND SHALL FOREVER BE PRESERVED FOR THE PEOPLE AND MANAGED THROUGH THE LAWS, RULES AND PROCLAMATIONS OF THE STATE AND TO PROVIDE THAT THE RIGHTS SET FORTH DO NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY, SHALL NOT AFFECT RIGHTS TO DIVERT, APPROPRIATE AND USE WATER, AND SHALL NOT LEAD TO A DIMINUTION OF OTHER PRIVATE RIGHTS; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**SJR 105** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 14, 2012

The AGRICULTURAL AFFAIRS Committee reports out **S 1296** and **S 1302** with the recommendation that they do pass.

SIDDOWAY, Chairman

**S 1296** and **S 1302** were filed for second reading.

February 14, 2012

The AGRICULTURAL AFFAIRS Committee reports out **S 1303** with the recommendation that it do pass.

SIDDOWAY, Chairman

**S 1303** was filed for second reading.

February 14, 2012

The JUDICIARY AND RULES Committee reports that **S 1213** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1213** and ordered it transmitted to the House for the signature of the Speaker.

February 14, 2012

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jerry Whitehead as Chair of the Idaho Transportation Board, term to continue at the pleasure of the Governor.

HAMMOND, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 14, 2012

The TRANSPORTATION Committee reports out [S 1274](#) with the recommendation that it do pass.

HAMMOND, Chairman

[S 1274](#) was filed for second reading.

February 14, 2012

The HEALTH AND WELFARE Committee reports out [S 1260](#), [S 1261](#), [S 1262](#), and [S 1273](#) with the recommendation that they do pass.

LODGE, Chairman

[S 1260](#), [S 1261](#), [S 1262](#), and [S 1273](#) were filed for second reading.

February 15, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 418](#) with the recommendation that it do pass.

ANDREASON, Chairman

[H 418](#) was filed for second reading.

Senator Werk was recorded present at this order of business.

February 15, 2012

The JUDICIARY AND RULES Committee reports that [SJR 105](#) has been correctly printed.

DARRINGTON, Chairman

[SJR 105](#) was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 14, 2012

Dear Mr. President:

I transmit herewith [H 473](#), [H 389](#), [H 387](#), as amended, [H 368](#), as amended, [H 393](#), as amended, [H 516](#), [H 407](#), [H 408](#), [H 409](#), [H 469](#), [H 455](#), [H 475](#), and [H 379](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 473](#), [H 389](#), [H 387](#), as amended, [H 368](#), as amended, [H 393](#), as amended, [H 516](#), [H 407](#), [H 408](#), [H 409](#), [H 469](#), [H 455](#), [H 475](#), and [H 379](#) were filed for first reading.

February 14, 2012

Dear Mr. President:

I return herewith [S 1219](#) and [S 1222](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1219](#) and [S 1222](#) were referred to the Judiciary and Rules Committee for enrolling.

February 14, 2012

Dear Mr. President:

I return herewith Enrolled [S 1237](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1237](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President Pro Tempore announced that [SCR 119](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Cameron, seconded by Senator Stennett, [SCR 119](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Siddoway, granted by unanimous consent, [SCR 120](#) was referred to the Resources and Environment Committee.

On request by Senator Keough, granted by unanimous consent, [SJM 103](#) was referred to the Resources and Environment Committee.

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Jim Yost was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Brackett, seconded by Senator Stennett, the Gubernatorial appointment of Jim Yost as a member of the Northwest Power and Conservation Council was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Jean M. Fisher was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of Jean M. Fisher as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Charles "Chad" A. Huff was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Stennett, the Gubernatorial appointment of Charles "Chad" A. Huff as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Dolly Ouita Bedal was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Acting Senator Malloy, seconded by Senator Stennett, the Gubernatorial appointment of Dolly Ouita Bedal as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Jeffrey A. Betts was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator LeFavour, seconded by Senator Davis, the Gubernatorial appointment of Jeffrey A. Betts as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Jon Michael Burnham was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Mortimer, seconded by Senator Stennett, the Gubernatorial appointment of Jon Michael Burnham as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Michael David Johnston was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bock, seconded by Senator Winder, the Gubernatorial appointment of Michael David Johnston as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Paula K. Garay was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Nuxoll, seconded by Senator Stennett, the Gubernatorial appointment of Paula K. Garay as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Shane Lee Evans was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Stennett, the Gubernatorial appointment of Shane Lee Evans as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Charles H. Correll was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Cameron, seconded by Senator Stennett, the Gubernatorial appointment of Charles H. Correll as a member of the Park and Recreation Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Robert H. Hansen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Siddoway, seconded by Senator Schmidt, the Gubernatorial appointment of Robert H. Hansen as a member of the Park and Recreation Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Michael D. Gibson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Stennett, the Gubernatorial appointment of Michael D. Gibson as a member of the Commission for the Blind and Visually Impaired was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1330**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO AIR NAVIGATION FACILITIES; AMENDING SECTION 21-401, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO AN ELECTION REGARDING CERTAIN BONDS.

S 1330 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 473, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 389, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 387, as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 368, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 393, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 516, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 407, H 408, H 409, and H 469, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 455 and H 475, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 379, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

S 1263 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), Mortimer, Nuxoll, Schmidt, Siddoway, Smyser, Stennett, Tippets, Werk, Winder.  
Total - 30.

NAYS—Johnson, McKenzie, Pearce, Toryanski, Vick.  
Total - 5.

Paired and voting included in roll call:

AYE - Hammond                      NAY - Vick

Total - 35.

Whereupon the President Pro Tempore declared S 1263 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Thursday, February 16, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary